

1 A bill to be entitled
 2 An act relating to special districts; repealing s.
 3 163.3756, F.S., relating to inactive community
 4 redevelopment agencies; amending s. 163.504, F.S.;
 5 prohibiting the creation of new neighborhood
 6 improvement districts after a date certain; repealing
 7 s. 165.0615 F.S., relating to municipal conversion of
 8 independent special districts upon elector-initiated
 9 and approved referendum; creating s. 189.0312, F.S.;
 10 providing term limits for elected members of governing
 11 bodies of independent special districts; providing an
 12 exception; providing construction; creating s.
 13 189.0313, F.S.; requiring continuation of independent
 14 special districts that levy ad valorem taxes;
 15 providing the ballot question; providing procedures if
 16 reauthorization is approved or is not approved by
 17 voters; providing exceptions; amending s. 189.062,
 18 F.S.; providing additional criteria for declaring a
 19 special district inactive; requiring certain special
 20 districts to provide notice of a proposed declaration
 21 of inactive status in the county or municipality under
 22 certain circumstances; revising the time period for
 23 filing an objection to a proposed declaration;
 24 authorizing a specific objection; providing that a
 25 district declared inactive may only expend funds as

26 necessary to service outstanding debt; creating s.
 27 189.0694, F.S.; requiring special districts to
 28 establish performance measures to assess performance;
 29 requiring special districts to publish an annual
 30 report concerning performance measures; amending s.
 31 189.0695, F.S.; requiring the Office of Program Policy
 32 Analysis and Governmental Accountability to conduct
 33 performance reviews; amending s. 189.016, F.S.;
 34 requiring independent districts that have been
 35 continued to file reports and information to specified
 36 entities; amending s. 190.005, F.S.; requiring
 37 petition for creation of a community development
 38 district to contain specified information; amending s.
 39 191.013, F.S.; requiring independent special fire
 40 control districts to annually report training
 41 information to the Division of State Fire Marshal;
 42 amending s. 388.271, F.S.; requiring, instead of
 43 authorizing, special districts to file tentative work
 44 plans and work plan budgets at specified intervals;
 45 requiring the Department of Agriculture and Consumer
 46 Services to report to the Department of Commerce if
 47 certain special districts fail to submit specified
 48 information; amending s. 388.46, F.S.; requiring
 49 Florida Coordinating Council on Mosquito Control to
 50 establish model measures to assist districts in

51 | conducting performance monitoring; providing an
52 | effective date.

53 |
54 | Be It Enacted by the Legislature of the State of Florida:
55 |

56 | Section 1. Section 163.3756, Florida Statutes, is
57 | repealed.

58 | Section 2. Section 163.504, Florida Statutes, is amended
59 | to read:

60 | 163.504 Safe neighborhood improvement districts; formation
61 | authorized by ordinance; jurisdictional boundaries; prohibition
62 | on future creation.—

63 | (1) The governing body of any municipality or county may
64 | authorize the formation of safe neighborhood improvement
65 | districts through the adoption of a planning ordinance which
66 | specifies that such districts may be created by one or more of
67 | the methods established in ss. 163.506, 163.508, 163.511, and
68 | 163.512. No district may overlap the jurisdictional boundaries
69 | of a municipality and the unincorporated area of a county,
70 | except by interlocal agreement.

71 | (2) A safe neighborhood improvement district may not be
72 | created on or after July 1, 2024. A safe neighborhood
73 | improvement district in existence before July 1, 2024, may
74 | continue to operate as provided in this part.

75 | Section 3. Section 165.0615, Florida Statutes, is

76 repealed.

77 Section 4. Section 189.0312, Florida Statutes, is created
78 to read:

79 189.0312 Term of office.—

80 (1) A member of an elected governing body of an
81 independent special district may not serve for more than 12
82 consecutive years, unless the district's charter provides for
83 more restrictive terms of office. Service of a term of office
84 that commenced before November 5, 2024, does not count toward
85 the limitation imposed by this subsection.

86 (2) This section does not apply to a community development
87 district established under chapter 190, or an independent
88 special district created pursuant to a special act that provides
89 that any amendment to chapter 190 to grant additional powers
90 constitutes a power of the district.

91 (3) This section does not require an independent special
92 district governed by an appointed governing body to convert to
93 an elected governing body.

94 Section 5. Section 189.0313, Florida Statutes, is created
95 to read:

96 189.0313 Independent special districts with ad valorem
97 taxing powers; voter reauthorization.—

98 (1) The governing body of each independent special
99 district that exercises ad valorem taxing powers created:

100 (a) Before January 1, 2018, shall conduct a referendum to

101 be held in conjunction with the general election held on
 102 November 3, 2026, containing the ballot question described in
 103 subsection (3).

104 (b) On or after January 1, 2018, shall conduct a
 105 referendum to be held in conjunction with the next general
 106 election held 10 years after the creation date of the district
 107 containing the ballot question in subsection (3).

108 (2)(a) If a majority of the qualified electors voting in
 109 the referendum approves the continuation of the independent
 110 special district, the governing body of the special district
 111 must conduct another referendum containing the ballot question
 112 in subsection (3) held in conjunction with the general election
 113 every 10 years thereafter until such time as the continuation of
 114 the independent special district is no longer approved by a
 115 majority vote of the qualified electors voting in the
 116 referendum.

117 (b) If a majority of the qualified electors does not
 118 approve the continuation of the independent special district,
 119 the governing body of the district may not incur any additional
 120 obligations or indebtedness, including the issuance of new bonds
 121 or extending the maturity date of any outstanding bonds, other
 122 than expenses incurred in the ordinary course of business.
 123 Within 90 days after the date of the referendum, the governing
 124 body of the district, by resolution, must adopt a dissolution
 125 plan that includes provisions for liquidating all of the

126 district's assets, satisfying all of the district's obligations
 127 and indebtedness, ensuring the continuity of public services
 128 provided by the district, and providing a date on which the
 129 district will terminate its operations. The resolution shall be
 130 considered at a public meeting held specifically to consider the
 131 dissolution plan that is not a regularly scheduled or emergency
 132 meeting of the governing body of the independent special
 133 district. The proposed dissolution plan must be posted on the
 134 district's official website at least 2 days before the meeting.
 135 The adopted dissolution plan must be posted on the independent
 136 special district's official website within 30 days after
 137 adoption and must remain on the website. The governing body of
 138 the district must submit its dissolution plan to the local
 139 governing authority or authorities and to the department within
 140 30 days after adoption.

141 (3) A referendum called pursuant to this section shall
 142 contain a ballot question in substantially the following form:

144 Should the independent special district known as the (name
 145 of district), which has the authority to levy each year an
 146 ad valorem tax not to exceed (maximum millage approved by
 147 the voters) to fund (type of service provided by district)
 148 be continued for another 10 years?

149 YES

150 NO

151 (4) This section does not apply to a community development
 152 district established pursuant to chapter 190, a water management
 153 district created and operated pursuant to chapter 373, an inland
 154 navigation district established pursuant to chapter 374, or an
 155 independent special district created pursuant to a special act
 156 that provides that any amendment to chapter 190 to grant
 157 additional powers constitutes a power of that district.

158 Section 6. Subsections (1) and (2) of section 189.062,
 159 Florida Statutes, are amended to read:

160 189.062 Special procedures for inactive districts.—

161 (1) The department shall declare inactive any special
 162 district in this state by documenting that:

163 (a) The special district meets one of the following
 164 criteria:

165 1. The registered agent of the district, the chair of the
 166 governing body of the district, or the governing body of the
 167 appropriate local general-purpose government notifies the
 168 department in writing that the district has taken no action for
 169 2 or more years;

170 2. The registered agent of the district, the chair of the
 171 governing body of the district, or the governing body of the
 172 appropriate local general-purpose government notifies the
 173 department in writing that the district has not had a governing
 174 body or a sufficient number of governing body members to
 175 constitute a quorum for 2 or more years;

176 3. The registered agent of the district, the chair of the
 177 governing body of the district, or the governing body of the
 178 appropriate local general-purpose government fails to respond to
 179 an inquiry by the department within 21 days;

180 4. The department determines, pursuant to s. 189.067, that
 181 the district has failed to file any of the reports listed in s.
 182 189.066;

183 5. The district has not had a registered office and agent
 184 on file with the department for 1 or more years; ~~or~~

185 6. The governing body of a special district provides
 186 documentation to the department that it has unanimously adopted
 187 a resolution declaring the special district inactive. The
 188 special district is responsible for payment of any expenses
 189 associated with its dissolution;~~-~~

190 7. The district is an independent special district or a
 191 community redevelopment district created under part III of
 192 chapter 163 that has reported no revenue, no expenditures, and
 193 no debt under s. 189.016(9) or s. 218.32 for at least 5
 194 consecutive fiscal years beginning no earlier than October 1,
 195 2018. This subparagraph does not apply to a community
 196 development district established under chapter 190 or to any
 197 independent special district operating pursuant to a special act
 198 that provides that any amendment to chapter 190 to grant
 199 additional powers constitutes a power of that district;

200 8. The district has unresolved audit findings for three

201 consecutive annual financial audit reports performed pursuant to
 202 s. 218.39; or

203 9. For a mosquito control district created pursuant to
 204 chapter 388, the department has received notice from the
 205 Department of Agriculture and Consumer Services that the
 206 district has failed to file a tentative work plan and tentative
 207 detailed work plan budget as required by s. 388.271.

208 (b) The department, special district, or local general-
 209 purpose government has published a notice of proposed
 210 declaration of inactive status in a newspaper of general
 211 circulation in the county or municipality in which the territory
 212 of the special district is located and has sent a copy of such
 213 notice by certified mail to the registered agent or chair of the
 214 governing body, if any. If the special district is a dependent
 215 special district with a governing body that is not identical to
 216 the governing body of a single county or a single municipality,
 217 a copy of such notice must also be sent by certified mail to the
 218 governing body of the county or municipality on which the
 219 district is dependent. Such notice must include the name of the
 220 special district, the law under which it was organized and
 221 operating, a general description of the territory included in
 222 the special district, and a statement that any objections must
 223 be filed pursuant to chapter 120 within 30 ~~21~~ days after the
 224 publication date. The objections may include that the special
 225 district has outstanding debt obligations that are not included

226 in reports required under s. 189.016(9) or s. 218.32.

227 (c) Thirty ~~Twenty-one~~ days have elapsed from the
 228 publication date of the notice of proposed declaration of
 229 inactive status and no administrative appeals were filed.

230 (2) If any special district is declared inactive pursuant
 231 to this section, the district may only expend funds as necessary
 232 to service outstanding debt. The property or assets of the
 233 special district are subject to legal process for payment of any
 234 debts of the district. After the payment of all the debts of
 235 said inactive special district, the remainder of its property or
 236 assets shall escheat to the county or municipality wherein
 237 located. If, however, it shall be necessary, in order to pay any
 238 such debt, to levy any tax or taxes on the property in the
 239 territory or limits of the inactive special district, the same
 240 may be assessed and levied by order of the local general-purpose
 241 government wherein the same is situated and shall be assessed by
 242 the county property appraiser and collected by the county tax
 243 collector.

244 Section 7. Section 189.0694, Florida Statutes, is created
 245 to read:

246 189.0694 Special districts; performance measures and
 247 standards.-

248 (1) Beginning October 1, 2024, or by the end of the first
 249 full fiscal year after its creation, whichever is later, each
 250 special district must establish goals and objectives for each

251 program and activity undertaken by the district, as well as
 252 performance measures and standards to determine if the
 253 district's goals and objectives are being achieved.

254 (2) By October 1 of each year thereafter, each special
 255 district must publish an annual report on the district's website
 256 describing:

257 (a) The goals and objectives achieved by the district, as
 258 well as the performance measures and standards used by the
 259 district to make this determination.

260 (b) Any goals or objectives the district failed to
 261 achieve.

262 Section 8. Paragraph (c) is added to subsection (3) of
 263 section 189.0695, Florida Statutes, to read:

264 189.0695 Independent special districts; performance
 265 reviews.—

266 (3) The Office of Program Policy Analysis and Government
 267 Accountability must conduct a performance review of all
 268 independent special districts within the classifications
 269 described in paragraphs (a), ~~and~~ (b), and (c) and may contract
 270 as needed to complete the requirements of this subsection. The
 271 Office of Program Policy Analysis and Government Accountability
 272 shall submit the final report of the performance review to the
 273 President of the Senate and the Speaker of the House of
 274 Representatives as follows:

275 (c) For all safe neighborhood improvement districts as

276 defined in s. 163.503(1), no later than September 30, 2025.

277 Section 9. Subsection (10) of section 189.016, Florida
 278 Statutes, is amended to read:

279 189.016 Reports; budgets; audits.—

280 (10) All reports or information required to be filed with
 281 a local general-purpose government or governing authority under
 282 ss. 189.014, 189.015, 189.0313, and 189.08 and subsection (8)
 283 must:

284 (a) If the local general-purpose government or governing
 285 authority is a county, be filed with the clerk of the board of
 286 county commissioners.

287 (b) If the district is a multicounty district, be filed
 288 with the clerk of the county commission in each county.

289 (c) If the local general-purpose government or governing
 290 authority is a municipality, be filed at the place designated by
 291 the municipal governing body.

292 Section 10. Paragraph (a) of subsection (1) of section
 293 190.005, Florida Statutes, is amended to read:

294 190.005 Establishment of district.—

295 (1) The exclusive and uniform method for the establishment
 296 of a community development district with a size of 2,500 acres
 297 or more shall be pursuant to a rule, adopted under chapter 120
 298 by the Florida Land and Water Adjudicatory Commission, granting
 299 a petition for the establishment of a community development
 300 district.

301 (a) A petition for the establishment of a community
 302 development district shall be filed by the petitioner with the
 303 Florida Land and Water Adjudicatory Commission. The petition
 304 shall contain:

305 1. A metes and bounds description of the external
 306 boundaries of the district. Any real property within the
 307 external boundaries of the district which is to be excluded from
 308 the district shall be specifically described, and the last known
 309 address of all owners of such real property shall be listed. The
 310 petition shall also address the impact of the proposed district
 311 on any real property within the external boundaries of the
 312 district which is to be excluded from the district.

313 2. The written consent to the establishment of the
 314 district by all landowners whose real property is to be included
 315 in the district or documentation demonstrating that the
 316 petitioner has control by deed, trust agreement, contract, or
 317 option of 100 percent of the real property to be included in the
 318 district, and when real property to be included in the district
 319 is owned by a governmental entity and subject to a ground lease
 320 as described in s. 190.003(14), the written consent by such
 321 governmental entity.

322 3. A designation of five persons to be the initial members
 323 of the board of supervisors, who shall serve in that office
 324 until replaced by elected members as provided in s. 190.006.

325 4. The proposed name of the district.

326 5. A map of the proposed district showing current major
 327 trunk water mains and sewer interceptors and outfalls if in
 328 existence.

329 6. Based upon available data, the proposed timetable for
 330 construction of the district services and the estimated cost of
 331 constructing the proposed services. These estimates shall be
 332 submitted in good faith but are not binding and may be subject
 333 to change.

334 7. A designation of the future general distribution,
 335 location, and extent of public and private uses of land proposed
 336 for the area within the district by the future land use plan
 337 element of the effective local government comprehensive plan of
 338 which all mandatory elements have been adopted by the applicable
 339 general-purpose local government in compliance with the
 340 Community Planning Act.

341 8. A statement of estimated regulatory costs in accordance
 342 with the requirements of s. 120.541.

343 9. A sworn affidavit, signed by the petitioner, attesting
 344 that the planned development of the proposed district will
 345 contain sufficient residential units for at least 250 qualified
 346 electors within a proposed district of 5,000 acres or less, or
 347 at least 500 qualified electors within a proposed district
 348 exceeding 5,000 acres or a compact, urban, mixed-use district.

349 Section 11. Subsection (3) is added to section 191.013,
 350 Florida Statutes, to read:

351 191.013 Intergovernmental coordination.—
 352 (3) By October 1 of each year, each independent special
 353 fire control district shall report to the Division of State Fire
 354 Marshal whether each of the district's firefighters and
 355 volunteer firefighters have completed the required trainings and
 356 certifications established by the division pursuant to s.
 357 633.408.

358 Section 12. Subsection (1) of section 388.271, Florida
 359 Statutes, is amended and subsection (3) of that section is
 360 added, to read:

361 388.271 Prerequisites to participation.—

362 (1) When state funds are involved, it is the duty of the
 363 department to guide, review, approve, and coordinate the
 364 activities of all county governments and special districts
 365 receiving state funds in furtherance of the goal of integrated
 366 arthropod control. Each county ~~or district~~ eligible to
 367 participate ~~hereunder~~ may, and each district must, begin
 368 participation on October 1 of any year by filing with the
 369 department not later than July 15 a tentative work plan and
 370 tentative detailed work plan budget providing for the control of
 371 arthropods. Following approval of the plan and budget by the
 372 department, two copies of the county's or district's certified
 373 budget based on the approved work plan and detailed work plan
 374 budget shall be submitted to the department by September 30
 375 following. State funds, supplies, and services shall be made

376 available to such county or district by and through the
 377 department immediately upon release of funds by the Executive
 378 Office of the Governor.

379 (3) If a special district fails to submit a tentative work
 380 plan and tentative detailed work plan budget as required by
 381 subsection (1), the department shall send notice of such failure
 382 to the Department of Commerce within 30 days.

383 Section 13. Paragraph (c) of subsection (2) of section
 384 388.46, Florida Statutes, is amended to read:

385 388.46 Florida Coordinating Council on Mosquito Control;
 386 establishment; membership; organization; responsibilities.-

387 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

388 (c) Responsibilities.-The council shall:

389 1. Develop and implement guidelines to assist the
 390 department in resolving disputes arising over the control of
 391 arthropods on publicly owned lands.

392 2. Develop and recommend to the department a request for
 393 proposal process for arthropod control research.

394 3. Identify potential funding sources for research or
 395 implementation projects and evaluate and prioritize proposals
 396 upon request by the funding source.

397 4. Prepare and present reports, as needed, on arthropod
 398 control activities in the state to other governmental
 399 organizations, as appropriate.

400 5. By August 30, 2024, develop model goals, objectives,

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401 and performance measures and standards to assist mosquito
402 control districts in conducting performance monitoring pursuant
403 to s. 189.0694.

404 Section 14. This act shall take effect July 1, 2024.